

In re:

: Case No. 19-22467-GLT

Susan L. Schley,
Debtor, Chapter 13

Rhonda J. Winnecour, Trustee
Movant,

v.

Susan L. Schley,
Respondent.

Hearing Date: July 15, 2020 at 11:00am
Related to Docket No. 85

RESPONSE TO MOTION OF THE TRUSTEE TO DISMISS CHAPTER 13 BANKRUPTCY CASE:
June 22, 2020

On behalf of The Homewood Cemetery, we respectfully submit our request not to dismiss our claim against the estate of Susan L. Schley (please see Proof of Claim form 410 attached).

We appeared on-site at the courthouse for the June 11th hearing and, not having received any prior notice, were informed only at that time that the hearing was going to be done via telephone and, while our agent did call the number provided, we were not given access to the teleconference. To date, we have not received any information on the results of this hearing or the status of this case until today, June 22, 2020, when we received a Motion to Dismiss dated June 18th.

We are very eager to make arrangements for payment on the crypt space Mrs. Schley had reserved for herself in June 2017, as her husband, Mr. Schley, is entombed in the space next to it and it was Mrs. Schley's desire to be buried next to her husband. If a payment plan is not able to be made regarding Mrs. Schley's contract with The Homewood Cemetery to fulfil the outstanding \$5,259.17, we are legally not obligated to entomb Mrs. Schley next to her husband upon her passing. This would be much to the disappointment of all parties and we respectfully ask that the case not be dismissed so that we might come to an arrangement and avoid this.

Please send all related correspondence to my attention:



David J. Michener, President/CEO
The Homewood Cemetery
c/o Allegheny Cemetery
4734 Butler Street
Pittsburgh PA 15201
412-325-1949
412-325-1817
dmichener@alleghenycemetery.com

RECEIVED

JUN 25 2020

CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA

cc: Rhonda J. Winnecour, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 19-22467-GLT
SUSAN L. SCHLEY,	:	Chapter 13
	:	
Debtor(s).	:	
	:	
RONDA J. WINNECOUR, Trustee,	:	
	:	
Movant,	:	
	:	
v.	:	
	:	
SUSAN L. SCHLEY,	:	
	:	
Respondent(s).	:	Hearing Date: July 15, 2020 at 11:00 AM.
	:	Response Date: July 8, 2020
	:	Related to Docket No. 85

**NOTICE AND ORDER SCHEDULING HEARING
AND RESPONSE DEADLINE REGARDING MOTION OF THE
CHAPTER 13 TRUSTEE TO DISMISS CHAPTER 13 BANKRUPTCY CASE**

TO THE RESPONDENT(S), CREDITORS, AND PARTIES IN INTEREST:

YOU ARE HEREBY NOTIFIED THAT the chapter 13 trustee made an oral motion (the "Motion") requesting the dismissal of this bankruptcy case.

YOU ARE FURTHER NOTIFIED THAT if you object to the dismissal of this bankruptcy case, you must file and serve upon the chapter 13 trustee a response to the *Motion* by no later than July 8, 2020, in accordance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of the Honorable Gregory L. Taddonio as found on the Court's webpage at www.pawb.uscourts.gov. If you fail to timely file and serve a written response, this bankruptcy case will be dismissed and no further hearing will be held.

YOU ARE FURTHER NOTIFIED THAT if a response is timely filed, a **TELEPHONIC** hearing will be held on July 15, 2020 at 11:00 A.M. before Judge Gregory L. Taddonio in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219.

YOU ARE FURTHER NOTIFIED THAT to the extent the Court does not grant the *Motion*, it may conduct a hearing to consider confirmation of the Debtor(s)' *Chapter 13 Plan dated 6/24/2019* [Dkt. No. 20] at the same date and time as the hearing on the *Motion* without additional notice to the parties.

The Chapter 13 Trustee shall *immediately* serve this *Notice* on those persons and entities required to receive notice of the *Motion* pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and/or the Local Rules of this Court, and file a certificate of service evidencing the same.

Dated: June 18, 2020



GREGORY L. TADDONIO_{drb}
UNITED STATES BANKRUPTCY JUDGE

JUN 22 2020

Fill in this information to identify the case:

Debtor 1 Susan L. Schley

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Western District of Pennsylvania 

Case number 19-22467-GLT

COPY

Official Form 410

04/19

Proof of Claim

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

The Homewood Cemetery

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

David J. Michener

Name

4734 Butler Street

Number Street

Pittsburgh

City

PA

State

15201

ZIP Code

Contact phone 412-325-1949

Contact email dmichener@alleghenycemetery.com

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known) _____

Filed on

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? unknown

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No ☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 4 9 6 1

7. How much is the claim? \$ 5,259.17. Does this amount include interest or other charges? ☐ No ☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.
Cemetery products and services

9. Is all or part of the claim secured? ☒ No ☐ Yes. The claim is secured by a lien on property.

Nature of property:

☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$ _____

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %

☐ Fixed

☐ Variable

10. Is this claim based on a lease? ☒ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No ☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 01/27/2020
MM / DD / YYYY


Signature

Print the name of the person who is completing and signing this claim:

Name David J. Michener
First name Middle name Last name

Title President/CEO

Company The Homewood Cemetery
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 1599 S. Dallas Avenue
Number Street
Pittsburgh PA 15217
City State ZIP Code

Contact phone 412-325-1949 Email dmichener@alleghenycemetery.com

Case 19-22467-GLT Doc 89 Filed 06/25/20 Entered 06/25/20
The Homewood Cemetery
1599 South Dallas Ave.
Pittsburgh, PA 15217
412-421-1822

Document Page 6 of 8

Statement

Statement Date: 01/27/2020

Reference: 31618

Amount Due: \$5,259.17

Amount Enclosed:

Contract(s): 504961

Susan L. Schley
3647 Wealth Street
Pittsburgh, PA 15212

Thank You For Your Payment!

Please return this portion with your payment

Contract: 504961	Last Statement: / /	-- PAYMENT DUE UPON RECEIPT --	Due Date: Past Due
------------------	---------------------	--------------------------------	--------------------

Past Due Amounts

1-30 DAYS	31-60 DAYS	61-90 DAYS	Over 90 Days
0.00	0.00	0.00	5,259.17

Total Past Due: 5,259.17

Activity Since Last Statement

Downpayment	06/22/2017	208.33
Downpayment	07/09/2018	75.00
Downpayment	01/07/2019	50.00
Downpayment	03/07/2019	50.00
Downpayment	04/08/2019	50.00
Downpayment	04/08/2019	50.00
Downpayment	05/07/2019	50.00
Downpayment	06/05/2019	50.00

Contract Balance: \$5,259.17

Total Due For Contract: 504961 \$5,259.17

Total Due For Susan L. Schley: \$5,259.17

The Homewood Cemetery

Transaction History

Contract: 504961-P

Contract Date: 05/29/2017
Purchased By: Schley, Susan L
3647 Wealth St
d-n-c bankrupp
Pittsburgh, PA 15212
- -

Status: Active

Dept: The Homewood Cemetery
Counselor: Charles Kelly
Brandy Moy

Total Sale Price	5,842.50	Credits	583.33	Balance Due	5,259.17
Base Price	5,842.50			Amount Financed	5,000.00
Interest	0.00	Downpayment	842.50	Number of Installments	24
Sales Tax	0.00	Transfer Allowance	0.00	Regular Payment of	208.33
Credit Life	0.00	Discount	0.00	Odd Payment of	208.41
		Late Charges/Fees	0.00	Date First Payment Due	06/26/2017
				Payment Plan	Monthly

NOTE: DO NOT CALL - Filed Bankruptcy - Chapter 13 - June 2019
down payment is ins assignment
survivor certificate disc

Items Purchased	Quantity	Qty Fulfilled	Price	Item Discount	Transfer Allow.	NetPrice
QUIET REFLECTIONS MAUS, Location CTYD, Row CC, Crypt 7-B						
Chapel Maus Crp - Single Crypt Level 3	1	0	4,997.50	250.00	0.00	4,747.50
Entombments - Crypt Opening Mon.-Fri.	1	0	1,145.00	50.00	0.00	1,095.00

Date	Transaction Type	Receipt No - Ref No	Trans	Amount	Allocations
06/22/2017	Downpayment	162829 -- mc h34274	2	208.33	
07/09/2018	Downpayment	168242 -- mc d8skfq	3	75.00	
01/07/2019	Downpayment	170853 -- mc qizg3s	4	50.00	
03/07/2019	Downpayment	171677 -- mc emx45a	5	50.00	
04/08/2019	Downpayment	172083 -- mc gqpvw0	6	50.00	
04/08/2019	Downpayment	172106 -- mc gzmqnu	7	50.00	
05/07/2019	Downpayment	172512 -- mc izfvnt	8	50.00	
06/05/2019	Downpayment	172874 -- mc lapkm0	9	50.00	
TOTAL CREDITS:				583.33	

MARCH 26, 2019

NEOPOST

06/22/2020

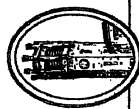
US POSTAGE \$000.65



ZIP 15201
041M11282031

United States Bankruptcy Court
Western District of Penna
Attn: Claims Clerk
5414 U.S. Steel Tower
600 Grant Street
Pittsburgh PA 15219

ALLEGHENY CEMETERY
4734 Butler Street
Pittsburgh, PA 15201-2999



CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA

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